



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Alaska Heritage Research Group, Inc.

File: B-225042

Date: October 30, 1986

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### DIGEST

Provision in solicitation advising offerors, for informational purposes only, of the minimum wages and fringe benefits that the class of service employees expected to be employed under the contract would be paid if employed by the government does not itself establish the minimum wages to be paid by the contractor; consequently, a proposal reflecting a wage rate lower than indicated in the informational provision need not be rejected.

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### DECISION

The Alaska Heritage Research Group, Inc. protests the award of a contract to another organization under request for proposals (RFP) No. R10-86-06, issued by the Forest Service, U.S. Department of Agriculture, for an archeological survey. The protester asserts that the awardee's proposal did not comply with minimum wage requirements and should have been rejected for that reason.

As evidence of the minimum wage requirements, the protester submits two pages from the RFP. These pages include what appears to be a portion of a Service Contract Act (SCA) provision, and the initial portion of a provision dealing with payment for overtime work. Included in the SCA provision is a statement, "included \* \* \* for informational purposed only," that the classes of service employees expected to employed under the contact--archeologist and assistant archeologist--would, if employed by the government, be paid not less than \$15 and \$12.57, respectively, in hourly wages and fringe benefits.

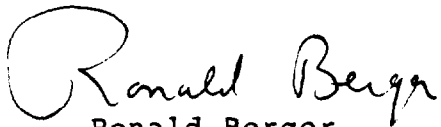
That statement, however, does not establish any minimum wage requirement. As the provision itself clearly states, it is informational only. Minimum wage requirements under the SCA are established by the inclusion in a solicitation of a wage rate determination; if no such determination is included, the

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SCA clause requires only that the contractor pay the national minimum wage specified by the Fair Labor Standards Act (FLSA), 29 U.S.C. § 106 (1982). See 29 C.F.R. § 4.6 (1986).

The protester does not refer to any wage rate determination in the solicitation; it asserts only that the minimum wages payable are established by the provision discussed above. Since that provision does not establish required minimum wages, and since there is no suggestion in the protester's submission that the awardee's proposal reflects less than the FLSA minimum wage, the protest on its fact is without merit.

Accordingly, pursuant to 4 C.F.R. § 21.3(f) (1986), the protest is dismissed.



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